

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SHERRY STRONG, on behalf of deceased)	
husband, Dan Strong, Jr.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cv-00866-TWP-DML
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ENTRY DENYING MOTION TO REOPEN CASE

This matter is before the Court on Plaintiff, Sherry Strong's ("Strong") *pro se* Motion to Reopen Case. Dkt. [21]. For the reasons stated below, the Motion must be **denied**.

Strong filed her original Complaint on March 20, 2017, pursuant to Federal Torts Claims Act ("FTCA"), 28 U.S.C. § 2671, *et seq.*, seeking \$30,000.00 in damages for allegations that the United States Department of Veterans Affairs (the V.A.) negligently treated her husband, Dan Strong, Jr. following a fall, which resulted in his tragic death. Dkt. [1]. On June 29, 2017, the United States filed a Motion to Dismiss, Dkt. [13], arguing that the language of the FTCA is clear that a claimant must seek administrative review prior to filing an action in federal court under the FTCA. The Court granted the Motion to Dismiss on July 25, 2017, finding that it lacked subject matter jurisdiction. Dkt. [19]. Strong was given through September 29, 2017 to file an amended complaint or to otherwise show cause why judgment consistent with the Court's Entry should not issue. Strong failed to show cause or file an amended complaint by the September 29, 2017 deadline; instead, on February 21, 2018, she moved to reopen the case and attached a proposed amended complaint dkt. [21-1].

Although the case is closed and Strong has not addressed the untimely filing of her amended complaint, the Court will address the merits of her motion. The proposed amended complaint alleges that the V.A. Hospital staff allowed Strong's sister in law to visit with Strong's husband, against Strong's wishes and the sister-in-law took pictures of her sick husband and posted them on Facebook. Strong requests damages of \$30,000.00 for her son and that V.A. doctors and staff refrain from allowing the aggrieved activities. In response to the present motion, the United States again argues that the FTCA requires full exhaustion of administrative remedies before a claimant can institute legal action. *See* 28 U.S.C. § 2675(a). The United States is correct. Because Strong still has not shown that she has exhausted her administrative remedies, she remains precluded from re-opening this action to assert her claim. Therefore, Strong's Motion to Reopen, dkt. [21], is **DENIED**.

SO ORDERED.

Date: 3/20/2018

DISTRIBUTION:

Sherry Strong
7831 Oakshot Lane
Indianapolis, Indiana 46268

Kelly Rota
UNITED STATES ATTORNEY'S OFFICE
kelly.rota@usdoj.gov



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana